

Assembly Bill No. 13

CHAPTER 639

An act to amend Section 68075.5 of the Education Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 2014. Filed with
Secretary of State September 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 13, Conway. Nonresident tuition exemption: veterans.

(1) Under existing law, the segments of the public postsecondary education system in the state include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges.

Existing law exempts a student of the California Community Colleges or the California State University who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from paying nonresident tuition for the length of time he or she lives in the state after being discharged up to the minimum time necessary to become a resident.

Existing law also exempts one of those students if he or she is enrolled, or intending to enroll, at a campus of the California Community Colleges or as an undergraduate at a campus of the California State University from paying nonresident tuition for up to one year if he or she files an affidavit with the institution stating that he or she intends to establish residency in California as soon as possible. Existing law requires a student to use this exemption within 2 years of being discharged.

Existing law prohibits a former member of the Armed Forces who received a dishonorable or bad conduct discharge from receiving an exemption from paying nonresident tuition under either of the provisions described above.

Existing law provides that the statutory provisions relating to student residency requirements for public postsecondary education apply to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.

The bill, notwithstanding the requirements of existing law as referenced above, would require the California Community Colleges and the California State University, and request the University of California, to update and adopt policies no later than July 1, 2015, regarding tuition rates for eligible veterans and their eligible dependents to ensure conformity to, and

compliance with, a specified federal statute and the requirements of existing law as described above. To the extent that this provision would impose new duties on community college districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 68075.5 of the Education Code is amended to read:

68075.5. (a) Except as provided for in subdivisions (b), (c), and (d), a student of the California Community Colleges or the California State University who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged shall be exempt from paying nonresident tuition for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.

(b) (1) Except as provided for in subdivisions (c) and (d), a student enrolled, or intending to enroll, at a campus of the California Community Colleges, or as an undergraduate at a campus of the California State University, who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged shall be exempt from paying nonresident tuition for up to one year if he or she files an affidavit with the institution at which he or she is enrolled, or intends to enroll, stating that he or she intends to establish residency in California as soon as possible.

(2) The one-year exemption provided in paragraph (1) shall be used by the student within two years of being discharged.

(c) Notwithstanding any other law, the California Community Colleges and the California State University shall, and the University of California is requested to, update and adopt policies no later than July 1, 2015, regarding tuition rates for eligible veterans and their eligible dependents to ensure conformity to, and compliance with, the federal Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) and the requirements of this section.

(d) A former member of the Armed Forces of the United States who received a dishonorable or bad conduct discharge shall not be eligible for an exemption pursuant to this section.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and

school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow the segments of public postsecondary education adequate time to prepare for the implementation of this act, it is necessary that this act take effect immediately.